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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 6 February 1995 from the Permanent Mission of the Republic of Georgia to the United Nations Office at Geneva addressed to the Commission on Human Rights

Upon the instructions of my Government I have the honour to transmit herewith a copy of the Statement of the State Commission of the Republic of Georgia - "Ethnic Cleansing/Genocide in Abkhazia as a Principle Tool Employed by Aggressive Separatist Forces".

I would be grateful if the present letter and its annex could be circulated as a document of the fifty-first session of the Commission on Human Rights.

(Signed) Dr. Peter P. Chkeidze
Ambassador
Permanent Representative

GE.95-10817

Ethnic Cleansing/Genocide in Abkhazia as a Principle Tool Employed by Aggressive Separatist Forces

Statement of the Republic of Georgia State Commission for Investigation of the Policy of Ethnic Cleansing/Genocide Against the Georgian Population in Abkhazia, Republic of Georgia

From September 27-30, 1994, the Abkhaz separatists were comfortably ensconced in Gudauta celebrating the "first anniversary of their victory" and trying to endow it with international significance. Shortly after this, on November 26, 1994, Abkhazia was declared an independent subject of international law. Today it is clear that the Region of Abkhazia in the Republic of Georgia has become a stage for some of the most tragic events marking the closure of this century.

In an attempt to infringe upon the territorial integrity of the Republic of Georgia, fascist separatists instigated an armed conflict sustained through principally foreign support. Encouraged by an initial military victory in the region, these separatists began to conduct an operation whose aim was to eliminate the Georgian Population in Abkhazia by employing the policy of ethnic cleansing/genocide, in clear violation of the norms of international humanitarian law.

Today, through the marauding of the separatists and the mercenaries who support them, Abkhazia has been reduced to desolation with four-fifths of the population of the region, including tens of thousands of ethnic Abkhazs, now outside its frontiers. The Georgian population which once constituted 47% of the population of this region has effectively been reduced to 0%: more than 6,000 people are dead, tens of thousands maimed, thousands of women and girls have been raped, and entire towns and villages have been utterly destroyed. More than 250,000 have been driven from the territory of Abkhazia, and the offences nonetheless continue based upon the Georgian nationality of these victims. Still, at the beginning, the world was not sufficiently moved by the fate of the Georgians who populated this region before the armed conflict began.

During this time, the true face of the aggressors has been clearly revealed in official statements and reports.

As early as October, 1993, the government of the Russian Federation placed the entire responsibility for the ethnic cleansing of non-Abkhaz population on the Abkhaz authorities. In a Working Document presented by the UN Subcommission on the Prevention of Discrimination and Protection of Minorities (Document E/CN.4/sub.2/1994/36, July 6, 1994), it is clearly stated that "*the threat to the territorial integrity of Georgia in Abkhazia*" is accompanied by the process of ethnic cleansing.

The Heads of State or representatives of those governments taking part in the CSCE Summit in Budapest (Dec. 6, 1994), regarding the unilateral acts of November 26, 2994 "by the authorities of

Abkhazia, Republic of Georgia" expressed their deep concern about the "ethnic cleansing", the massive expulsion of predominantly Georgian people from their living areas and the death of large numbers of innocent civilians. (CSCE Budapest Document, 1994, *Towards a Genuine Partnership in a New Era*, Budapest Decisions II, Regional Issues, Georgia, paragraph 2)

I. Genocide/Ethnic Cleansing is an International Crime Against Humanity

It is common knowledge that during any war or armed conflict violations of international humanitarian law (laws and customs of war designed to protect the dignity and human rights of both military personnel and civilians and demand their humane treatment by warring parties) take place. The separatists attempt to use this as a smoke-screen to justify unjustifiable deeds, as though the frequency of serious crimes during wartime is a viable excuse for their irrefutably brutal and excessive criminal behavior.

The Georgian Government has not merely condemned these practices, but has punished perpetrators within the ranks of its forces as well.

It is essential however, that we differentiate between violations of international humanitarian law (i.e. the sporadic and inevitable violence that occurs during any armed conflict) and the implementation of a premeditated and systematic policy by a warring party for the purpose of not only defeating the enemy's military forces, but obtaining comprehensive control of occupied territory through the terrorizing and massacre of its civilian inhabitants as well.

When deeds belonging to the classification "crimes against humanity" are perpetrated targeting a particular religious or ethnic segment of society in order to achieve a premeditated objective, this is universally recognized as genocide, a breach of international law whether during times of war or peace. Genocide is characterized by the intent to destroy in whole or in part a national, ethnic, racial, or religious group as such, according to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Articles I and II.

A relatively new kind of crime against humanity is "ethnic cleansing", a policy which has been actively pursued during the conflict on the territory of the former Yugoslavia. A special commission set up by the UN Secretary General has defined ethnic cleansing as "*a purposeful policy designed by one ethnic or religious group to remove by violent or terror inspiring means the civilian population of another ethnic or religious group from certain geographic areas. To a large extent, it is carried out in the name of misguided nationalism, historic grievances and a powerful driving sense of revenge. This purpose appears to be the occupation of territory to the exclusion of the purged group or groups*" (S/1994/674, paragraph 129, May 24, 1994). They have described it as being "*carried out by means of murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assaults, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property*" (S/25274, paragraph 56).

The United Nations General Assembly has recognized "ethnic cleansing" as *"a form of genocide"*. (Resolution 47/121/December 17, 1992) Now that the legal nature of ethnic cleansing, the concepts of its subjects and objects, and forms of the personal responsibility of the perpetrators has been established in international law, we therefore possess a set of guide-lines by which to measure and assess the tragedy which has occurred in Abkhazia.

II. The Ideology of Fascist Separatism and Its Translation into Reality

We must begin to establish the degree to which the crimes committed against the Georgian population of Abkhazia were deliberate and premeditated. We can achieve this by becoming acquainted with some examples of scholarly analysis, public statements of writers and political figures, and slogans employed at the public rallies organized by the Abkhaz separatists to Soviet Authorities and Communist Party Congresses during the period of existence of the Abkhaz Autonomous Soviet Socialist Republic (It is an important fact that a disorientation of the international community was already underway during the Soviet era during which the Soviet press and broadcast media were often employed to disseminate anti-Georgian venom, a practice which greatly intensified during the period from 1989-1992.)

The methodical assertion of separatist ideologues that Abkhazia has never been a part of Georgia, and that its independence is of centuries old standing is a deliberate distortion of the facts. The separatists perversion of history holds that the Democratic Republic of Georgia (1917-1921) first *occupied* Abkhazia, and that later *Soviet* Georgia to which Abkhazia was joined in an agreement re-*annexed* it again in 1931, transforming its relation with the Georgian SSR from a treaty agreement to one of autonomy within the larger republic. The idea of any Soviet republic independently taking such a bold initiative is nothing short of fantasy.

Nevertheless, according to Alexei Gogua in his article Our Concern (Druzhba Naradov, 1989), *"having preliminarily exterminated or bled white the intelligentsia, closed down Abkhazian schools, resettled more than 200,000 inhabitants from other parts of Georgia onto the best Abkhazian lands which resulted in the assimilation of part of the native population, they plunged one of the most ancient people of the Caucasus and its culture into a state of shock, turning its autonomy into a mere facade."* The same thought is reiterated by G. Tarba and B. Guruli together and B. Sagaria as well, only their accounts differ by the numbers 100,000 and 60,000, respectively.

This is a rather convenient case of amnesia with regard to the fact that Abkhazia has for centuries been a part of the Georgian State, during the period of the unified Georgian Kingdom (11th-13th centuries) as well as during the subsequent years of disintegration. This amnesia conceals the fact that the Abkhaz and Georgian people have lived side-by-side for centuries, the territory of Abkhazia being full of archaeological and architectural evidence containing Georgian inscriptions that date from ancient days attesting to this fact. For centuries Abkhazia's political, diplomatic and ecclesiastical language of choice has been Georgian. Even a letter from Abkhaz Authorities to the Emperor of Russia asking for protection was written in Georgian.

In blaming the Georgians for the forcible reduction of the Abkhaz population to a minority, Abkhaz separatists conceal the fact that by the end of the 19th century the Russian Empire forced thousands and thousands of Abkhazians into exhile, a process widely known as the Mahajir movement. This was in punishment for Abkhaz cooperation with the North Causasian peoples in the Caucasian War. This is enough to shatter any myth of an idyllic Abkhaz-Russian relationship.

It is an undeniable fact that for well over a century Georgians have constituted the majority in the region. In 93 years (from 1896-1989) their numbers increased only seven times, whereas Russian and Armenian numbers have increased 65.5 and 67.7 times respectively.

According to Dr. Svetlana Chervonnaya, a leading researcher at the Institute of Ethnology and Anthropology of the Russian Academy of Sciences," *from 1990-92, in the Abkhaz Nationalist press, radio and television, in the lecture rooms of the University, in institutes and schools...the image of Georgia as the enemy was created in the public consciousness. This enemy was any Georgian, including the next-door neighbor. He was blamed for all the troubles of the Abkhazian people, for lowering the standard of living, for the breakdown of the regular rhythms of the holiday season, for the shortages of essential goods. He, allegedly, grabbed everything, robbed everyone. He drank the blood of Abkhazian and pumped all its wealth into Tbilisi. The average Georgian was portrayed as a bandit, a murderer, a cruel sadist. Georgians of the past as well as the living came in for their share of calumny."* (from *Conflict in the Caucasus*, pages 78-79 of the English edition, Gothic Images Publications, 7 High Street, Glastonbury, Somerset BA6 9DP)

That the perception of Georgians as absolute villains is contrived and erroneous is evident in view of the following facts:

The Abkhaz Autonomous Soviet Socialist Republic had the only constitution in the entire USSR in which its language (Abkhaz) was declared one of *three* official languages.

Abkhazia ranked number one in the USSR in terms of number of books per capita in the native language.

While by 1976 all schools of autonomous republics elsewhere in the northern Caucasus employed exclusively Russian instruction, in Abkhazia there were 25 schools teaching in Abkhazian, as well as numerous schools with combinations of Russian-Abkhazian-Georgian instruction.

Until recently, the education of more than 4,000 students was conducted in the Abkhaz language, and the University of Abkhazia in Sukhumi functioned in it as well.

Ahkhaz Language National Television, Radio, Repertory Theatre, Folk Song and Dance Company, A Cappella Company, and numerous other creative companies were state subsidized.

In addition the Institute of Abkhaz Language and Literature of the Georgian Academy of Sciences, around twenty other scientific research institutes functioned in the Autonomous Republic, many Abkhazian scientists having taken their degrees at Tbilisi State University and

studied in the various institutes of the Georgian Academy of Sciences.

In every governing body in Abkhazia, the Abkhaz held the majority of seats:

*In the Supreme Soviet there were 57 Abkhaz, 53 Georgians and 14 Russians.

*In city and regional councils Abkhaz held 1/3 of the positions.

*On the personal staff of the Council of Ministers and the City Committee of the Commonest Party, more than half were Abkhaz.

*Out of twelve Ministers, eight were Abkhaz.

*Out of eight Chairmen of State Committees, five were Abkhaz.

*Out of eight city and regional Procurators Offices, five were headed by Abkhaz.

*By 1990, the Abkhaz were widely represented in the Government and party bodies of the Georgian SSR.

Furthermore, in 1991 the separatists managed through blackmail and intimidation to pass a law granting the Abkhaz 28 Parliament seats out of 65, Georgians 26 seats, and the remaining population only eleven seats.

Now, consider the above facts through this filter; that before the armed conflict, of the total population of the region Georgians comprised more than 47%, other non-Abkhaz nationalities 35% and Abkhaz only slightly more than 17%.

After the breakout of armed hostilities, the Abkhaz separatists made their intentions perfectly clear. In an edition of Komsomolskaya Pravda, December 19, 1992, Mr. V. Smir, a commander of one of the illegal armed formations later appointed Minister of the Interior of the self-styled republic expresses his fascist ideology in a nutshell with the statement, *" The Georgians can live here no longer; in Abkhazia they can only die"*. Initial usage of the popular slogan *"Abkhazia is not Georgia"* naturally segued into use of the current slogan *"Abkhazia* without *Georgians"*. What are these but the trumpet voluntary announcing a well elaborated and premeditated ideology of fascism?

All of this demonstrates the systematic deliberation with which the poisoning of the Abkhaz public consciousness took place and support the allegations that premeditated targeting of the Georgian population for an eventual campaign of ethnic cleansing/genocide.

Seizing the dissolution of the Soviet Union as their opportunity, reactionary Russian forces trumpeted a call to join under their banner all with a mind to undermine the struggles of former Soviet republics to create genuinely democratic and sovereign states. Then, the Abkhaz separatists began transforming their ideology into so called "legal acts", disallowing the laws of the Republic of Georgia on the territory of Abkhazia, and adopting new laws in flagrant violation of both the Georgian and Abkhaz Constitution.

These actions were facilitated by instability in West Georgia where supporters of ex-President Zviad Gamsakhurdia were continuing their efforts to undermine the new democratic government with terrorism levelled at highway and railway traffic, kidnapping members of the Georgian government and holding them hostage in Abkhazia.. In particular, the robbery of trains carrying passengers and goods to both Georgia and Armenia increased dramatically in the territory of

Abkhazia, and the separatists were either unable or unwilling to end this blockade of the railway. In specific response to this, the Georgian authorities were dispatched forces to Abkhazia to restore order in this vitally important transportation corridor. Because the Georgian military authorities neglected to negotiate an exact day for this deployment with them beforehand, the separatists who had long been preparing themselves by purchasing weaponry and accumulating mercenary assistance, used this as a handy opportunity to open fire. Several people were killed and the tensions thus entered a new dimension - that of armed conflict.

III. Facts Exposing the Policy of Genocide and Ethnic Cleansing Against the Georgian Population in Abkhazia

One of the principle goals of the Abkhaz separatists in initiating this armed conflict was to exterminate or otherwise eliminate the Georgian population from the territory of Abkhazia. This goal has been largely achieved by means of the torture and execution of individuals, whole families, and large groups employing particularly brutal means which include public execution by decapitation, burning alive, and torture in addition to death at gunpoint, and as a result of heavy artillery and air attacks of large populated areas. Health care facilities filled with the injured and medical personnel attending to them were not spared. All manner of terrorism was levelled against those survivors who remained in the areas of these attacks - torture, rape, maiming, and the complete destruction of entire towns and villages.

These pernicious deeds were successfully committed with the intent that Georgians residing in other areas of Abkhazia would be compelled by fear to flee *en masse* from their places of legal residence or suffer dire consequences for not having done so, i.e. death or forcible deportation. United Nations Document S/1994/225, February 26, 1994 began an enumeration of facts that this paper will attempt to elaborate upon.

A systematic campaign of ethnic cleansing has been conducted in stages. The first stage began in Gudauta and the surrounding area on August 14, 1992, and lasted until October 2, 1992. The second stage commenced on October 2, 1992 in the Gagra region, lasting until September 16, 1993. On September 6, 1993 a third wave of offences was launched enveloping the cities of Sukhumi and Ochamchire, and their surrounding areas as well as the entire Gali district and the town of Tkvarcheli. This last stage has not yet been concluded.

It should be noted that according to the UN Committee of Experts established pursuant to Security Council Resolution 780 (1993) in their concluding report, for genocide to exist it is not exclusively required that an entire national group be exterminated, but "*if essentially the total leadership of the group is targeted, it could also amount to genocide. Such leadership includes political and administrative leadership, religious leaders, academics and intellectuals, business leaders and others - the totality* per se *may be a strong indication of genocide regardless of the actual numbers killed.*" (S/1994/674, paragraph 94)

The conflict in Abkhazia can well be measured within the parameters of this provision.

According to confirmed data, it can be unreservedly affirmed that a systematic plan of genocide was initially targeted at a broad spectrum of the Georgian leadership strata of Abkhazia which included political figures, journalists, writers, teachers of all levels, health professionals and members of the creative community.

After the fighting ended in Gagra, Mr. Mikhail Djincharadze, a member of the Abkhaz Parliament and Mr. Zviad Nadareishvili, Deputy Head of the Gagra Administrative Board were killed.

In Sukhumi, on September 27, 1993 after the fighting ended, the separatists savagely tortured and executed Mr. Giuli Shartava, Chairman of the Council of Ministers of the Abkhaz Autonomous Republic. Mr. G. Gabeskilia, Mayor of Sukhumi, along with other government officials and civil servants were likewise subject to torture and summary execution.

Since the breakout of hostilities, scores of members of the creative community, including women, have been executed. Nato Milorava, Artistic Director of the Gumista House of Culture, Omar and Vakhtang Elderdashvili, Vasil Chkheidze, Temuraz Zhvania and Guram Gelovani, all actors of The Drama Theater, and Yuri Davitaia, Director of Sukhumi Park of Recreation and Culture have all been summarily executed, along with hundreds of others whose names would take many pages to list.

These same killers have murdered more than 40 health care professionals including Dr. Shota Djghamadze, Chief Physician of the Tuberculosis Hospital in the Gulripshi Region who was executed in the yard of that hospital in front of his wife, and Dr. Petre Sichinava, Chief Regional Physician of the Republic Hospital.

These separatists and their mercenary assistants have savagely executed more than 200 teachers from schools and institutions of higher learning, at least sixty of which were women.

The facts of these summary executions of Georgian leadership, although enough to support the allegation that genocide has been committed against the Georgian population of Abkhazia, were by no means enough to end the carnage. Short of the absolute extermination or expulsion of Georgians from the territory, the primary objective of the separatists remained unmet. We have at our disposal thousands of confirmed accounts of mass executions, perfcrmed summarily and with singular brutality, all because of the Georgian ethnicity of the victims.

In October, 1992, separatists began their campaign of terror in the area of Gagra with murder, torture, looting and the wanton destruction of homes and property. Altogether 17,000 Georgians have been forcibly expelled from the district and 3,000 have been killed. (the facts regarding the summary execution of hundreds of Georgian civilian non-combatants were confirmed by a Special Commission established by the UN Secretary General and included in its official report, UN document S/26795, paragraph 18).

As in Gagra, the separatists and their mercenary supporters continued their killing spree in the villages of Salkhino, Gantiadi, Pitsunda, Lidzava, Alakhadze, and Bzipi. Mr. P. Gogiladze, a 85 year old man, and Mr. V. Samkharadze, a schoolteacher, were both beheaded.

The corpse of the latter, because his burial was forbidden by his murderers, remained in the street and was consumed by swine.

During the separatist campaigns to rid Sukhumi, Gudauta and the surrounding regions of their Georgian inhabitants, 5,000 Georgians were expelled from the towns of Eshera, Likhni, Otkhara and Akhalsopeli. Those Georgians who remained were executed. On December 15, 1992, seventeen Georgians were shot. Mr. Indiko Grdzeladze, a seventy year old man, had his heart cut out, while elsewhere Mr. Elgudja Maisuradze was publicly decapitated with an axe and Mr. Nikolas Kvabsiridze was tied to a tractor and tortured to death.

Over a course of months, the cities of Sukhumi and Ochamchire were subject to repeated heavy artillery and air attacks, most of which were made during the night, over large civilian populated areas. Tens of thousands of bombs and 1,000 railway cars full of shells have been spent in these attacks.

According to an agreement between both parties in the conflict, signed July 27,1993, the Georgian side withdrew its heavy artillery from these locations, a fact that the separatists flagrantly abused by using it as an opportunity to launch a new assault on Sukhumi on September 16, 1993. The Georgian soldiers who were left effectually disarmed and hopelessly outnumbered fought in vain against separatist and mercenary gangs armed to the teeth. The Sukhimi airport, where thousands of people of multiple ethnic backgrounds awaited transportation out of the region, was ruthlessly bombed, and several airplanes full of civilians were shot out of the sky.

On September 27, 1994, Sukhumi fell. After this, the third phase of the separatists butchery began in earnest. Nowhere is the policy of ethnic cleansing employed by the Abkhaz separatists so clearly evident as in the Gali Region.

Until September 29, 1993 the Gali Region had a population of 96,000, 97% of which were Georgians who have since been either executed or forcibly driven from their homes. It is a well established fact that the population of this region did not engage in any military operations. Nevertheless, on this September day the separatists occupied the entire region with practically no resistance, following which they began terrorizing the civilian population.

By January 11, 1993 two rounds of Geneva talks and consultations in Moscow on the future status of Abkhazia had taken place, resulting in the agreement of both sides to the introduction of a peacekeeping force that would include Russian troops, and the expectation that 20,000 refugees would begin to be repatriated by early February. In spite of these agreements, on February 7 and 8, 1994 the Abkhaz separatists again attacked the villages of the Gali Region, designated ironically to have been the first location for the repatriation process to have begun. Accusing the Georgian forces of having fired upon Abkhaz positions along the Inguri River, they commenced "punitive operations".

For ten days they continued killing and otherwise terrorizing those Georgians who still remained, burning entire villages to the ground. This was calculated to not only expel the remaining Georgians, but to frighten those already driven away from returning to their homes.

It is particularly infuriating that even the most aged were not spared. Elderly victims from the village of Tsarche included C. Zarlava, V. Shonia, A. Gelordava, K. Anchibaya, and B. Zarkua, all 70 years old, V. Benia, M. Dzenia, both 75 years old. From the village of Ganatleba were elderly victims P. Djalgonia, A. Tsarbekhia, both 75, K. Kakhiani, 72, G. Patsatsia, 82, V. Patsatsia, 84, and S. and O. Lagvilava, 85 and 78, respectively. From the town of Kvemo Barghebi were G. Gangia, O. Gangia, and B. Kharchilava, all 70. Many of these helpless old people were gunned down in the courtyards of their own homes.

For a year now, the displaced have been unable to return, and the Abkhaz side persists in preventing the process of repatriation from taking place and terrorizing the Georgian remnant in Gali and other areas of Abkhazia, as well as those few who have been newly repatriated. It is obvious that the policy of ethnic cleansing not only continues, but is coupled with a calculated and violent prevention of the process of the organized return of the displaced and refugees to their homes that will continue for as long as the Abkhaz separatists can manage to sustain it. In view of the desolate climate they have created in pursuit of this goal, repatriation may well take years. The restoration of the pre-conflict demographic structure which included an ethnic Georgian population that constituted 47% of the total population of Abkhazia may well never happen.

Clearly, the UN Security Council demands for the safe return of the displaced and refugees to there places of legal residence (Resolution 896/1994) have been so far ignored by the Abkhaz side. Furthermore, an attempt has been made to introduce new inhabitants into Abkhazia, i.e. those of "Abkhaz origin" from Turkey, Syria, and other countries (as well as those mercenaries who have been awarded "citizenship" and residences by Ardzinba as a reward for their support - Izvestia, October 19, 1993) in spite of the UN Security Council condemnation of *"any attempt to alter the demographic composition of Abkhazia, the Republic of Georgia, including settling people who were not previously residing there."*

It has been thus documented by those who suffered, the eyewitness reports, video, photographs and documents of the Abkhaz Autonomous Republic and its Council of Ministers, and other materials, that a mass extermination and deportation of the Georgian population of Abkhazia has been conducted by the separatists according to an undeniably premeditated plan.

Chairman of the Committee on Emergency Situations if the Russian Federation, Mr. Yuri Dyakov, after visiting Abkhazia, stated clearly, *"Genocide reigns in the republic. Dozens of corpses in the sea...Disembowelled women. Severed heads on the beaches...Georgians have been wiped out in Abkhazia."* (Izvestia, October, 1993)

According to contemporary international law, the perpetrators of such crimes against humanity are to be punished not only under the internal state law (in this case, Article 65, paragraph 1 of the criminal code of the Republic of Georgia) but are first and foremost subject to the jurisdiction of an international tribunal, and must individually answer for their deeds.

The time has come to either establish a new International Tribunal for punishing those who have committed crimes against

humanity in Abkhazia, or to hand this case over to which has already been established in accordance with its Resolution 8081 (1992)

The true and public assessment of guilt is at hand for the Abkhaz separatists and those who have aided and abetted them in the perpetration of their heinous crimes. Their punishment must be such that it sets an example to the world.

(More than 80 volumes of evidence obtained by the Office of the Procurator of the Republic of Georgia contain comprehensively revealing material. The final decisions of the Procurator are being prepared, and will soon proceed to the Georgian courts of law and can be likewise presented to any international body.)